

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

Civil Case No. 16-10801

Criminal Case No. 13-20062

v.

Sameer Mersier,

Sean F. Cox

United States District Court Judge

Defendant/Petitioner,

_____ /

ORDER DENYING § 2255 MOTION

On March 4, 2016, Defendant/Petitioner Sameer Mersier (“Mersier”) filed a Motion to Vacate Sentence, pursuant to 28 U.S.C. § 2255. Mersier’s motion seeks relief under *Johnson v. United States*, 135 S.Ct. 2551 (2015).

In an order issued on January 6, 2017, Judge Rosen explained that “[w]hether Mersier’s claim for § 2255 relief is cognizable will be determined by the Supreme Court in *Beckles*” and therefore stayed this action pending the Supreme Court’s decision in *Beckles*. (D.E. No. 32).

On February 2, 2017, this action was reassigned to the undersigned, following Judge Rosen’s retirement.

On March 6, 2017, the United States Supreme Court issued *Beckles v. United States*, 580 U.S. ___, 2017 WL 855781 (March 6, 2017), wherein the Court ruled that the Federal Sentencing Guidelines, including § 4B1.2(a)’s residual clause, are not subject to vagueness challenges under the Due Process Clause.

Given that the Supreme Court has issued its decision in *Beckles*, this Court concluded

that there is no longer any reason to stay Mersier's § 2255 Motion.

In an Order To Show Cause issued on March 29, 2017, this Court ordered "Mersier to **SHOW CAUSE, in writing, no later than April 30, 2017**, why this Court should not deny his § 2255 Motion based upon the Supreme Court's decision in *Beckles*." (D.E. No. 33). Mersier filed no response to that Order within the time permitted for doing so.

The Court hereby **ORDERS** that Mersier's § 2255 Motion is **DENIED** for lack of merit, based upon *Beckles*.

IT IS SO ORDERED.

Dated: June 23, 2017

s/Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on June 23, 2017, the foregoing document was served on counsel of record via electronic means and upon Sameer Mersier via First Class mail at the address below:

Sameer Mersier 29892-039
MCKEAN
FEDERAL CORRECTIONAL INSTITUTION
Inmate Mail/Parcels
P.O. BOX 8000
BRADFORD, PA 16701

s/J. McCoy
Case Manager